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**PDF PAGE 1, COLUMNS 1,  
5, 6, 7, & 8**

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**PDF PAGE 1, COLUMN 1**

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**SENSATIONAL CHARGE IN  
FRANK CASE**

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**PDF PAGE 1, COLUMNS 5,  
6, & 7**

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**CHARGES  
PREJUDICE  
AGAINST FRANK  
JUROR**

**C. P. STOUGH.**

**PREJUDI  
CE**

**DENIED  
BY**

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# THOSE ON PANEL

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C. P. Stough Deposes That  
A. H.

Henslee Showed  
Animus Be-

fore Being Drawn.

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With members of the Frank trial jury rallying to the defense of their comrades accused of bias and prejudice, the revelation was made Friday that, in a sealed deposition to be used by the defense. A. A. Henslee, one of the jurors, is accused of having made this statement before he was chosen as one of the twelve men to try the factory superintendent:

"I believe Frank is guilty, and would like to be in a position to break his neck."

The man who swears that the accused juror made this statement, in spite of the fact that he swore of being unprejudiced when questioned as a talesman, is C. P. Stough, organize of the Masons' Annuity and a well-known business man.

### **Affidavit To Be Feature.**

His affidavit will play an important part in the fight for Frank's life, which opens Saturday before Judge Roan, which very likely will be postponed at that time. Solicitor Dorsey undoubtedly will ask for time in which to examine the volumes of contentions made by the defense in their plea charging 115 errors.

Mr. Dorsey, it is understood, will make an immediate demand for the affidavits against Henslee and Jochenning, who also is alleged to have uttered remarks that showed prejudice before the trial began.

Mr. Stough spoke reluctantly to a Georgian reporter as to the contents of the affidavit he had made regarding Henslee.

### **Forced to Make Statement.**

"I dislike very much to be brought into it, and was really literally forced into making it. I at first refused, but was summoned and was compelled to make it. The affidavit tells of a conversation I had with Mr. Henslee while riding to town on a street car one morning several weeks before the trial. At that time he, of course, did not know that he was to be summoned as a juror."

“He asked me what I thought of Frank, and I said I believed he was guilty. I believe he is guilty, too, and would like to be in a position to break his neck,’ he replied.”

Mr. Stough resides at No. 115 Holderness street, and says he frequently rode to town with Henslee. Since the trial Henslee has moved to Barnesville, but is said to have denied the words alleged to have been spoken by him.

### **Kept the Matter Quiet.**

“When the Frank jury was selected I told my wife of Mr. Henslee’s remarks, but not wishing to get mixed in the matter, kept it quiet and told no one else,” continued Mr. Stough. “Shortly after the completion of the trial I was in Royston and told a friend of mine and, without my knowledge, he informed Mr. Rosser. Two of Mr. Rosser’s men came to see me and worried me for two weeks, but I declined to give them any information.”

“I then received a summons from Judge Bell’s court instructing me to go before S. N. Teitlebaum, commissioner, and was compelled to go. I have known Mr. Henslee for a long time and like him very well, but his words to me indicated prejudice. His

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**PDF PAGE 6, COLUMN 1**

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# **CHARGES OF BIAS**

# **BOSH, ASSERTS FRANK JURY**

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**Fellow Members Unite in  
Defense  
of Men Accused of  
Prejudice  
by the Defense.**

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**Continued From Page 1.**

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words did not have the intimation that he would like to be on the jury, but I took them to understand that he meant he would like to be with a crowd who would take charge of Frank. He simply said,

‘I would like to be in a position to break his neck,’ and that was all.”

### **Dorsey to Ask Publicity.**

When the hearing of the motion for a new trial is called before Judge Roan. Solicitor Dorsey, it is understood, will request the court to require the defense to submit in open court the affidavits of the alleged bias of jurors.

Following this request, Mr. Dorsey will request a two weeks’ postponement of the hearing in order to give him time to check up the brief of evidence and examine the amendment to the motion offered by the defense.

Mr. Dorsey declared Friday that he was looking into the legality of having jurors the affidavits with him regarding their alleged unbias in rendering the Frank verdict. This point probably will be settled in court Saturday morning.

The court has it in its power to refuse this request and order both prosecutor and defense to proceed with the hearing, but there is little likelihood that this will be done in view of the fact that the Solicitor has had but two days in which to examine the evidence following the filing of the amended motion Wednesday.

### **Hooper Aids Solicitor.**

Mr. Dorsey was busily engaged Friday in examining the brief of evidence. This voluminous record, as pointed out by Mr. Dorsey, is about 14 inches in height and is contained in seven volumes. The entire record, including the amended motion, is something like 22 inches in height.

Attorney Hooper, who assisted Mr. Dorsey in the prosecution of Frank, is also relaying with the Solicitor in examining the brief of evidence.

The jury was a unit in declaring that Frank received as fair a trial as any man ever received in Georgia, in defending the rulings of Judge L. S. Roan—which they declared vehemently were more

than fair to Frank's cause – and all of them denied emphatically that they were influenced or prejudiced by the cheering and other incidents of the trial on which the defense, based its motion for a new trial.

### **Brands Charges as Untrue.**

F. E. Winburn, claim agent for the Atlanta and West Point Railroad, one of the Frank jury, brands as untrue the charges made by the defense.

"I do not believe there was a man on the jury that found Frank guilty but who voted for the verdict because the evidence made the guilt of the factory superintendent plain," Mr. Winburn said. "The charges that the jury was prejudiced are untrue. There was no doubt in my mind when all the evidence had been heard."

"I heard no cheering; neither was I prejudiced. When I served on the jury I sacrificed my own interests, but I did my duty as a citizen. The trial was fair. I thought Judge Roan more than fair in his rulings. So far as I am concerned, I want to say that the verdict was fair, and could not have been otherwise than what it was."

### **Defends Fellow Jurors.**

"I have tried to keep out of the argument because I was not attacked personally by the attorneys for the defense, but I agree heartily with the statement of Mr. Johenning as published in yesterday's Georgian. While I did not know any of the other jurors prior to the trial, my association with them for that 29-day period satisfied me they are all men of honor and integrity."

A. L. Wisbey, cashier at the Buckeye Cotton Oil Company, would make no extended comment on the case.

"I was influenced by no one," he declared. "I heard no cheering. I think the trial was as fair as was ever given to any man. I believe Judge Roan was fair, and I think each man on the jury voted Frank guilty because he could not do otherwise on the evidence submitted."



Charles J. Bosshardt, an employee of the Foote-Davis Company, characterized the charges of bias and prejudice as “bosh.”

“And I see no reason why Frank should be given a new trial,” he added. “I heard none of the alleged cheering, and I was not influenced in any way, by any one on anything. The members of the jury seemed to me to be gentlemen, and certainly they were intelligent.”

“Judge Roan, I think, is a fine man, and I have never seen a fairer judge, I never was prejudiced against Frank, I tried to give him the benefit of the doubt in my own mind all the time. I say it was all fair and square, and that the charges that some of the jurors were influenced by this and that are all bosh.”

F. L. V. Smith, No. 481 Cherokee avenue, denied emphatically that the jury was prejudiced.

“The charge that the Frank jury was prejudiced is utterly untrue,” said he. “I can say with positive certainty, speaking not only for myself, but for the entire jury, that each man did his duty as he saw it, and that the verdict was reached fairly and impartially.”

“We were not influenced by the cheering and could not have been because we were always in the anteroom, and could not tell which side was being cheered. The deputies told us absolutely nothing. I am not versed in the technicalities of the law, but it seems to me that Leo Frank had as fair trial as he possibly could have had.”

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**PDF PAGE 2, COLUMNS 1 &  
7**

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**PDF PAGE 2, COLUMN 1**

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# **FRANK RESPITED; CASE DELAYED**

<b>JUROR HENSLEE BRANDS CHARGES AS FALSE</b>
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**PDF PAGE 2, COLUMN 7**

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# **THREATENS TO BRING SUIT AGAINST STOUGH FOR CHARGE OF BIAS**

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Leo M. Frank will not hang on October 10—the d for which his execution had been set by Judge L. S. Roan. After granting a postponement of the hearing on the motion for a new trial Judge

Roan Saturday indefinitely postponed the sentence. The case was put off until next Saturday at the request of the Solicitor and will be postponed again if he desires to give him full opportunity to meet the arguments of the defense.

With the fight for Leo M. Frank's life reopening Saturday morning before Judge L. S. Roan, emphatic denial was made by Juror A. H. Henslee of charges of prejudice and expressed eagerness to hang the prisoner made against him by Colonel C. P. Stough of this city, a trio of witnesses in Sparta and other places.

Henslee, the principal juror under fire in the battle for a new trial, branded as false the statements, asserting that he never had expressed a desire for vengeance against the man convicted of the murder of Mary Phagan. He said he would hale his accusers into court.

Everything was in readiness for the formal opening of the hearing before Judge Roan, with all the probabilities pointing to a postponement at the suggestion of Solicitor General Hugh M. Dorsey to give him time to look over the volumes of contentions submitted by the defense.

### **Henslee Arrives in City.**

Mr. Henslee, who is a traveling salesman, with headquarters now in Barnesville, Ga., arrived in Atlanta, Friday afternoon. He had read reports of the attack made upon himself and Marcellus Jochenning, another of the jurors, in the motion filed by Frank's attorneys for a new trial, he said, and came to Atlanta to brand the accusations, in so far as he personally knew, as "infamous falsehoods."

Chief of the statements purported to have been made by Henslee before he was chosen as a member of the Frank jury was that averred by Mr. Stough, who is organizer of the Masons' Annuity and a well-known business man, residing at No. 115 Holderness street.

"Henslee said to me before the trial, 'I believe Frank is guilty, and would like to be in a position to break his neck,'" Mr. Stough told a Georgian reporter.

This statement, together with others of a similar nature which Henslee is accused of having made to John M. Holmes, S. M. Johson and Shi Gray in Sparta, Ga., have been sworn to and are now in the hands of Frank's attorneys.

### **"False in Every Detail."**

"I hardly know this man Stough, declared Henslee, "and have not even seen him for four months. I am positive that I never discussed the Frank case with him in any of its phases nor expressed my opinion of the man's guilt or innocence."

Mr. Henslee was shown the statements made by Stough as printed exclusively in The Georgian Friday.

"I brand the entire thing as false in every detail," he said.

The former juror's attention was then called to the depositions made by Holmes, Johnson and Gray, of Sparta. These depositions were sworn to before J. M. Lewis, a notary of that town.

"I recall having met Holmes and Gray," Henslee said, "and it is possible that I became acquainted with Johnson on one of my trips, but I never mentioned the Frank case to them, nor did I ever express an opinion on it. If these men say that I did, they are lying."

### **Juror Scores His Accusers.**

"I want to say now," continued Mr. Henslee, "that in casting my ballot for the conviction of Frank I did so in accordance with the dictation of my conscience. I did my duty pure and simple, and when these men swear that I did not, as they are reported to have done, they are all liars."

"I am going to investigate this matter, and if the reports are true, I will bring legal action against these men. They are trying to prove me a perjurer and I believe I have the basis

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**PDF PAGE 7, COLUMN 1**

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# **BATTLE FOR LIFE OF LEO FRANK REOPENED**

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# **Juror Henslee Brands Charges of Prejudice as False in Each and Every Detail.**

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**Continued From Page 1.**

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of a good case against them. They will have to prove their assertions or take the consequences.”

The affidavits made in Sparta against Henslee have been kept secret. The depositions were obtained by Attorney Stiles Hopkins, of the firm of Rosser, Brandon, Slaton and Phillips, who also want to Blakely, Ga., on the same mission. It is understood, however, that the parties at Blakely declared that Henslee had not displayed any prejudice in conversation with them.

The depositions taken at Sparta were made by John M. Holmes, of the firm of Holmes & Walker; S. M. Johnson, cashier of the same firm, and Shi Gray, who is said to have been in the store at the time Hensley made the remarks charged to him.

## **Sparta Men Keep Silent.**

When requested for a statement of the contents of their depositions the three men declared that they preferred to keep silent; that for certain reasons they had agreed to remain quiet. The depositions were sealed and filed with the Clerk of the Criminal Court.

It is understood that the remarks alleged to have been made by Henslee in Sparta proclaimed him as being convinced of the guilt of Frank. Henslee travels for a buggy concern and was in the store of Holmes & Walker in the ordinary course of his business. It is claimed that he discussed the Frank case freely while in the store.

It was generally understood Saturday Solicitor Dorsey would ask that the sealed depositions of the three Sparta men, C. P. Stough and others, be opened.

It is believed a postponement of at least two weeks will be requested by Solicitor Dorsey in order that he may properly prepare his defense of the 115 counts presented by the defense as causes for a new trial. Since Wednesday he and Attorney Frank Hooper have been busy preparing a reply and are getting along more rapidly than they expected.

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**PDF PAGE 8, COLUMN 1**

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# **BATTLE FOR LIFE**

# **OF LEO FRANK REOPENED**

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**Juror Henslee Brands  
Charges of  
Prejudice as False in  
Each  
and Every Detail.**

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**Continued From Page 1.**

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Some of the depositions charged that Johenning had made the remark that Frank was undoubtedly guilty, and that he had spoken forcibly and positively.

Depositions furnished the Solicitor were made by H. C. Loevenhart, Mrs. J. G. Loevenhart, Miss Miriam Loevenhart, S. Aron, Mack Farkas, R. K. Greme, J. J. Nunnally, W. L. Picker, J. A. Lehman, Samuel Boorstin, Mrs. A. Shurman, Sampson Kay, B. M. Kay, Miss Martha Kay, Charles J. Moore, W. B. Cate, J. H. G. Cochran and H. G. Williams.

### **Charge Jury Heard Cheers.**

These depositions alleged that the cheering by the crowd outside of the courthouse was plainly audible to the jury and that it would have been plainly impossible for the members of the jury not to have heard it. One man charges that a man in the courtroom seized the hand of one of the jurors and spoke to him, and was sharply reprimanded by Chief Deputy Sheriff Plennie Miner.

One deposition charges Juror Smith with having gazed out of a third floor window in the Kimball House at the cheering crowd on Pryor street.

The additional affidavits besides those of Stough and the three Sparta men charging Juror Henslee with having displayed prejudice, were made by R. L. Gremer and Mack Farkas, of Albany; Julian A. Lehman, of Atlanta, and Sam Aaron, of Atlanta.

"There can be no doubt but that Frank is guilty," are the words credited to Henslee by Greme and Farkas. They charge him with making this assertion in front of the Sam Farkas livery stable in Albany some time prior to the trial. They assert that they know Henslee well, and further identify him as the man making this

remark by pictures of Juror Henslee which appeared in The Georgian.

### **Another Instance Cited.**

On June 2 Juror Henslee is charged with remarking on a train that "Frank is as guilty as a d—dog and ought to have ---neck broke." Julian A. Lehman makes that deposition, charging the remark was made on a train between Atlanta and Experiment, Ga. He charges him with having made practically the same remark on June 20.

In a deposition by Samuel Aron, remarks made at the Elks' Club in Atlanta two days after the Grand Jury indicted Frank are credited to Henslee. Aron asserts that at the time the remarks were made he did not know Henslee's name, but learned it later. The words he alleged were spoken by Henslee were: "I am glad they indicted --- Jew. They ought to take him out and lynch him and if I get on the jury I will hang that Jew sure."

The depositions charging Johenning with showing bias were made by Mrs. Jennie G. Loevenhart, her daughter, Miss Miriam Loevenhart, and H. C. Loevenhart.

### **Tell of Words to Juror.**

Mrs. Loevenhart and Miss Loevenhart assert that they met Johenning on Forsyth street one day in May, and that he expressed belief in Frank's guilt and that his statements were made "forcibly and positively."

H. C. Loevenhart, who is connected with the Hodges Broom Works, asserted that Johenning had also expressed to him his belief in Frank's guilt.

W. P. Neill made an affidavit declaring he saw a man in the courtroom seize one of the jurors' hands and speak to him while the jury was passing out of the courtroom.

Neill asserts that Chief Deputy Sheriff Plennie Miner saw the act and threatened to put he man out of the courtroom, charging him with speaking to juryman.

“I could not understand what the man said,” Neill states in the affidavit. Neill also asserted that he was in the courtroom two days of the trial and that he heard the crowd in the street cheer Dorsey, and that the cheering was plainly audible to the jury.”

### **“Jury Could Hear Cheering.”**

Attorney Charles J. Moore asserts that he was in his office at No. 301 Kiser Building at 6 p.m. August 22 and heard the crowd cheer Solicitor Dorsey as he left the courthouse.

“The jury was not 50 feet from the entrance of the courthouse during the demonstration,” the affidavit reads. He also told of the cheering of August 23, saying the jury was also close enough to hear.

The deposition also states that Moore heard many threats of violence to Frank in the event of an acquittal. It also named two men whom he charged with continuously loitering around the courthouse during the trial.

B. M. Kay, of No. 264 South Pryor street, in his deposition charges that while he was driving his father’s automobile, in company with his mother, Mrs. Rose Kay, and his brother, Sampson Kay, between 8 and 8:30 o’clock Saturday night, August 23, he saw the Frank jury pass from East Fair into South Pryor street and proceed to the Kimball House, and that seven or eight men walked alongside of them for several blocks and chatted with members of the jury.

### **“Bet He Would Be Selected.”**

The other affidavits told of the cheering which greeted Solicitor Dorsey on different occasions, and asserted the cheering was plainly audible to the jury.

The affidavits of the Sparta men Shl Gray, John M. Holmes and Johnson, all charge that the Frank case was discussed in the office of Walton Holmes Insurance man, in Sparta. They declare that in the course of the conversation Henslee declared he knew Frank was guilty. They say he expressed his convictions firmly and emphatically. The remarks were made, it is said, after Henslee had been drawn as one of the talesmen in the case and Gray says Henslee declared "I'll bet a dollar I am chosen on that jury."

### **Henslee Arrives in City.**

Mr. Henslee, who is a travelling salesman, with headquarters now in Barnesville, Ga., arrived in Atlanta Friday afternoon. He had read reports of the attack made upon himself and Marcellus Johenning, another of the jurors, in the motion filed by Frank's attorneys for a new trial, he said, and came to Atlanta to brand the accusations, in so far as he personally knew, as "infamous falsehoods."

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**PDF PAGE 3, COLUMNS 1 &  
7**

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**PDF PAGE 3, COLUMN 1**

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**FRANK'S FIGHT FOR LIFE  
POSTPONED**

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***Many Affidavits Attack Jurors Henslee  
and Johenning***

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**PDF PAGE 3, COLUMN 7**

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**ACCUSED  
THREATENS  
SUIT DENIES  
BIAS AND  
CALLS  
CHARGES LIES**

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With Leo M. Frank's sentence respited indefinitely, and the hearing on his lawyers' motion postponed for a week, new sensations were sprung in the fight for the convicted factory super intendent's life with the revelation Saturday of the contents of a mass of affidavits charging prejudice against A. H. Henslee and Marcellus Johenning, members of the trial jury.

Most of the fire is directed at Henslee, who is charged by many persons with having expressed violent feelings on the case

before he was chosen as a juror. He is accused of having expressed his conviction of Frank's guilt and his eagerness to see him hanged, and to have referred in profane terms to the prisoner's race.

The hearing of the motion for a new trial was postponed by Judge Roan at the request of Solicitor General Hugh M. Dorsey when the case was called shortly after 9 o'clock Saturday morning. The Solicitor said he needed time to look into the volumes of contentions made by the defense in the plea setting forth 115 reasons why Frank should get a new trial. Judge Roan put the hearing off until next Saturday, and announced that he would be ready to grant the Solicitor more time then, if necessary.

### **Delay Is Secured Quickly.**

The order for an indefinite stay was issued in less than ten minutes after the hearing of the motion for a new trial was taken up.

"I have not had time in which to prepare my reply to the motion, as it was only presented to me a day or two ago is quite lengthy," said Solicitor Dorsey. "Therefore, I am going to ask your honor to postpone this hearing until I have time to complete my work on it."

"It is my desire to complete the case as quickly as possible, and it is imperative that it should be. The work of the Court of Appeals is hinging on this case in a way, as you are being delayed in taking up your duties there until after you have heard this motion. I think that possibly I can complete my reply by next Saturday, but in the event, I find this impossible I would ask your honor to grant a further delay."

Attorneys Arnold and Rosser said this would be agreeable to them.

### **Gets Copies of Charges.**

Dorsey asked that he be furnished with all of the depositions which the defense had taken, and Attorney Rosser advised that he would furnish them to the Solicitor some time during the day.

"I think I have copies of all of them in my office and will give them to you to-day," said Mr. Rosser to the Solicitor some time during the day.

"I think I have copies of all of them in my office and will give them to you to-day," said Mr. Rosser to the Solicitor. "In the event we obtain any new ones we will also submit them to you," he added.

"I will set this hearing for 9:30 o'clock next Saturday morning, then, said Judge Roan. "I trust, however Mr. Dorsey, that you will be prepared by that time."

The judge then instructed the clerk to issue an order directing Sheriff Mangum to indefinitely stay the execution of Leo M. Frank, which had been set for October 10.

Following the hearing, Attorney Rosser furnished copies of most of the depositions which have been taken by the defense. The ones lacking are those made by C. P. Stough, of Atlanta, and John M. Holmes, Shi Gray and S. M. Johnson, of Sparta, Ga., copies of which are expected to be given the Solicitor during the day.

### **Points Made in Depositions.**

In the depositions given the Solicitor Saturday morning Juror A. H. Henslee is charged with having made remarks showing him to be biased, at the Elks' Club in Atlanta, on a train between Atlanta and Experiment, Ga., and in front of a livery stable at Albany, Ga. These expres-



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**Continued From Page 1.**

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**PDF PAGE 4, COLUMNS 1 &  
8**

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**PDF PAGE 4, COLUMN 1**

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# **FRANK GIVEN INDEFINITE RESPITE**

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***Hearing on New Trial Motion Is  
Postponed***

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**PDF PAGE 4, COLUMN 8**

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**PREJUDI  
CEOF  
JURORS**

# CHARGE

# D

# BY

# MANY

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Henslee, Accused,  
Threatens Suit



# Against Maker of Affidavit, Denies He Was Biased.

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## **PDF PAGE 10, COLUMN 1**

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# **FRANK HEARING DELAYED; PRISONER GETS RESPITE; TWO JURORS UNDER FIRE**

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**Continued From Page 1.**

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In the depositions given the Solicitor Saturday morning Juror A. H. Henslee is charged with having made remarks showing him to be biased, at the Elks' Club in Atlanta, on a train between

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**PDF PAGE 5, COLUMN 1**

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**FRANK SENTENCE  
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**PDF PAGE 5, COLUMN 1**

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